



IFW

Atty. Docket No.: B0751/7025

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Richard A. Gambale et al. Examiner: Jessica R. Baxter
Serial No.: 10/658,619 Group Art Unit: 3731
Filed: September 8, 2003 Conf. No.: 2554
Title: TISSUE CAPTURING DEVICES

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

Sir:

Responsive to the Restriction Requirement dated October 19, 2004, species (c) as shown in Figs. 10A and 10B, is provisionally elected for prosecution, with traverse. Applicants request that species (a) - (i) be rejoined into a single species, for the reasons given below. Reconsideration of the requirement for restriction is respectfully requested. Claims 1-2 and 5-9 read on species (a)-(i). Claim 3 reads on species (a)-(e), and claim 4 reads on species (c), (e) and (f)-(i).

Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

An extension of time to respond to the Restriction Requirement is respectfully requested. A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

Amendments to the Specification begin on page 3 of this paper.

The **“Listing of the Claims”** begins on page 8 of this paper. No amendments are made.

Remarks begin on page 10 of this paper.

Applicants respectfully request entry of the amendments and remarks.